

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*Handwritten: #3*

Application No. : Not yet assigned      Confirmation No. : Not yet assigned  
Applicant(s) : Frederick Richard Neason STEPHENS et al.  
Filed : CONCURRENTLY HERewith  
TC/A.U. : Not yet assigned  
Examiner : Not yet Assigned  
Title : METHOD AND APPARATUS FOR MEASURING  
         : TISSUE PERFUSION  
Docket No. : 87036-0004  
Customer No. : 24633

**Mail Stop PCT**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97(b)**

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached Form PTO-1449, which the Examiner may deem relevant to the patentability of the above-identified application.

This information disclosure statement is being filed within one of the following time periods: within three months of the filing date of this application other than a continued prosecution application, or within three months of the date of entry into the national stage of this international application, or before the mailing date of a first Office Action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under §1.114. Therefore, no certification under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. §1.17(p) is required.

Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached PTO-1449. The references contained in this Information Disclosure Statement were first cited in the attached International Search Report dated December 15, 2003, in counterpart International Application No. PCT/AU03/01379.

Copies of the documents are not being provided since copies should have been provided directly by WIPO under an exchange program between the PTO, the EPO, and the JPO. The absence of a translation or English-language counterpart document does not relieve

the PTO from its duty to consider any submitted documents (37 C.F.R. §1.98 and MPEP §609).

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission the listed documents are material or constitute "prior art." If the Examiner applies the documents as "prior art" against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

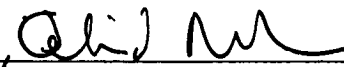
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-1349. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

Dated: April 18, 2005

**HOGAN & HARTSON LLP**  
555 13<sup>th</sup> Street, N.W.  
Washington, D.C. 20004  
Telephone: (202) 637-5600  
Facsimile: (202) 637-5910  
Customer No. 24633

By:  #47812  
for Celine Jimenez Crowson  
Registration No. 40,357

<b>FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE</b> <b>(Modified) PATENT AND TRADEMARK OFFICE</b>  <b>INFORMATION DISCLOSURE</b> <b>STATEMENT BY APPLICANT</b>  (Use several sheets if necessary)				<b>ATTY. DOCKET NO.</b>  <b>87036-0004</b>		<b>APPLICATION NO.</b> <div style="font-size: 1.5em; font-weight: bold;">10/531600</div> Not yet assigned	
				<b>APPLICANTS</b>  <b>Frederick Richard Neason STEPHENS et al.</b>			
				<b>FILING DATE</b>  <b>April 18, 2005</b>		<b>GROUP</b>  <b>Not yet assigned</b>	

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A1	5,846,190	12/08/1998	Woehrle			
	A2	5,995,859	11/30/1999	Takahashi			
	A3	2003/0114737 A1	06/19/2003	Nagai et al.			
	A4	5,995,856	11/30/1999	Mannheimer et al.			
	A5	5,318,022	06/07/1994	Taboada et al.			
	A6	3,796,213	03/12/1974	Stephens			
	A7	6,083,158	07/04/2000	Bearman et al.			

FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	PUBLISHED DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							Yes	No
	A8	JP2001046348	02/20/2001	JAPAN				

NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), Title of the item (book, magazine, journal, serial symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
		International Search Report dated December 15, 2003, for International Application No. PCT/AU03/01379

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
-----------------	------------------------

<b>EXAMINER:</b> Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
--